

HON. BARBARA J. ROTHSTEIN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

SA MUSIC, LLC, WILLIAM KOLBERT,
AS TRUSTEE OF THE HAROLD ARLEN
TRUST, RAY HENDERSON MUSIC CO.
INC., FOUR JAY MUSIC COMPANY, and
JULIA RIVA,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 20-cv-0651-BJR

**STIPULATED MOTION
AND ORDER**

The undersigned counsel for Plaintiffs SA Music, LLC, William Kolbert, as Trustee of the Harold Arlen Trust, Ray Henderson Music Co., Inc., Four Jays Music Company, and Julia Riva, and for Defendant Microsoft Corporation (“Microsoft”) hereby stipulate and agree as follows:

Background

1. Plaintiffs have commenced this lawsuit for copyright infringement against Microsoft.

2. Microsoft executed a Waiver of Service on May 6, 2020 (ECF No. 11) and its response to the Complaint was due July 5, 2020.

1 3. On May 29, 2020, the Court entered a scheduling order (ECF No. 13)
2 setting the following initial deadlines:

- 3 a. Deadline for FRCP 26(f) Conference: 6/26/2020
4 b. Initial Disclosures Pursuant to FRCP 26(a)(1): 7/6/2020
5 c. Combined Joint Status Report and Discovery
6 Plan as Required by FRCP 26(f): 7/10/2020

7 4. The parties met and conferred on June 25, 2020 concerning grounds for
8 a possible motion to dismiss by Microsoft.

9 5. Without conceding the validity of any of Microsoft's arguments,
10 Plaintiffs have agreed to file an Amended Complaint.

11 6. On July 6, 2020, the parties jointly requested, and the Court ordered
12 (ECF 22), that Plaintiffs would file an amended complaint by July 27, 2020 and that
13 Microsoft would have 30 days to respond.

14 7. Upon the parties' request, the Court also extended the time for initial
15 Rule 26 disclosures until August 10, 2020 and the time for filing the joint status report
16 until August 17, 2020.

17 8. The parties have continued to confer about the case and to gather
18 information to address each other's claims and defenses.

19 **Stipulation**

20 9. The parties have agreed, subject to the Court's approval, to further
21 extend Plaintiffs' time to file Amended Complaint until August 10, 2020 and that
22 Microsoft shall have 30 days to answer, move, or otherwise respond.

23 10. There has no prior amendments to the Complaint or, except as discussed
24 above, extensions of Microsoft's time to respond to the Complaint.

25 11. This Stipulation does not affect any of the other deadlines in the case.
26 The parties intend to serve their Initial Disclosures Pursuant to FRCP 26(a)(1) by
27

1 August 10, 2020 and submit a Combined Joint Status Report and Discovery Plan by
2 August 17, 2020 in accordance with the Court's prior scheduling order.

3 NOW, THEREFORE, the parties stipulate as follows, subject to the Court's
4 approval:

- 5 1. Plaintiffs shall file an Amended Complaint on or before August 10,
6 2020; and
- 7 2. Defendant shall answer, move, or otherwise respond to the Amended
8 Complaint within 30 days of its filing.

9 Dated: August 25, 2020

10 Respectfully submitted,

11 s/ Philip P. Mann

12 Philip P. Mann, WSBA No: 28860
13 MANN LAW GROUP PLLC
14 1420 Fifth Avenue, Suite 2200
15 Seattle, Washington 98101
Phone: (206) 436-0900
E-mail: phil@mannlawgroup.com

16 Matthew F. Schwartz * *Pro Hac Vice*
17 Brian S. Levenson * *Pro Hac Vice*
18 SCHWARTZ, PONTERIO &
19 LEVENSON, PLLC
20 134 West 29th Street - Suite 1001
New York, New York 10001
Phone: (212) 714-1200
E-mail: mschwartz@splaw.us
E-mail: blevenson@splaw.us

21 Oren S. Giskan * *Pro Hac Vice*
22 GISKAN SOLOTAROFF &
23 ANDERSON LLP
24 90 Broad Street, 10th Floor
New York, New York 10004
Phone: (212) 847-8315
E-mail: ogiskan@gslawny.com

25 Attorneys for Plaintiffs

s/ Ambika K. Doran

Ambika K Doran, WSBA No. 38237
DAVIS WRIGHT TREMAINE LLP
920 Fifth Avenue – Suite 3300
Seattle, Washington 98104-1610
Telephone: 206-757-8030
Email: ambikadoran@dwtd.com

Simon J. Frankel * *Pro Hac Vice*
Emily R. Fox * *Pro Hac Vice*
COVINGTON & BURLING LLP
415 Mission Street, Suite 5400
San Francisco, California 94105
Telephone: 415-591-7082
Email: efox@cov.com
Email: sfrankel@cov.com

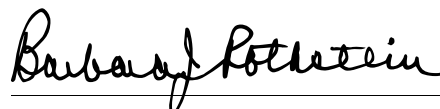
Attorneys for Defendant
Microsoft Corporation

ORDER

Pursuant to the parties' stipulation, it is so ordered:

1. Plaintiffs shall file an Amended Complaint on or before August 10, 2020; and
2. Defendant shall answer, move, or otherwise respond to the Amended Complaint within 30 days of its filing.

Dated August 25, 2020.



Barbara Jacobs Rothstein
U.S. District Court Judge

Presented by:

s/ Philip P. Mann, Attorney for Plaintiffs
s/ Ambika K. Doran, Attorney for Defendant